

REMARKS

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed December 12, 2005.

Applicant also thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119 and receipt of a certified copy of the priority document.

Claim Rejections

Claims 1-3, 5-17, and 19-29 ---35 U.S.C. § 102(b)

Claims 1-3, 5-17, and 19-29 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 6,160,915 to Kato *et al.* ("Kato"). Applicant traverses this rejection.

Addressing claim 1, Kato does not disclose or suggest at least a receiver comprising control means for monitoring an amount of accumulation in said buffer, and sending a predetermined control signal to the transmission path based on a result of the monitoring, as recited in the claim. Kato is directed to a coded signal transmission method and apparatus for encoding a digital signal at a variable bit rate at a transmitter (column 1, lines 6-9).

Kato discloses a transmitter which encodes and transmits a digital signal at a variable bit rate so as not to overflow or underflow a decoder buffer at a receiver (column 7, lines 40-46). Overflow or underflow of the decoder buffer at the receiver is prevented by varying the size of an encoder buffer at the transmitter (column 9, lines 55-60). To control the encoder (transmitter) buffer size, calculations are performed at the transmitter which assume a capacity (bit occupation amount) of the decoder buffer, or the calculations are performed using bit rate and buffer size

parameters of the transmitter without assuming a bit occupation amount of the decoder buffer. See column 11, line 9-column 13, line 2. In either case, Kato does not disclose or suggest that control means in the receiver for monitoring an amount of accumulation in the receiver buffer sends a predetermined control signal to the transmission path based on a result of the monitoring, as recited in the claim.

In view of the above, Kato does not disclose or suggest all the claimed features, and therefore does not anticipate claim 1. Accordingly, claim 1 is patentable over Kato. Claim 2 is patentable at least by virtue of its dependence. Claims 3, 9-17, 19-29 contain features similar to the features recited in claim 1 and are therefore patentable for similar reasons.

Addressing claims 5-8, Kato does not disclose or suggest means for receiving a control signal from a transmission path, as recited in the claims. In rejecting these claims, the Examiner relies on the portion of Kato cited above. As explained above, Kato does not disclose or suggest receiving the recited control signal from the receiver. Therefore, Kato cannot disclose or suggest means for receiving the control signal from a transmission path, as recited in the claim.

Since Kato does not disclose or suggest all the claimed features, Kato does not anticipate claims 5-8. Accordingly, claims 5-8 are patentable over Kato.

Claims 4 and 18 ---35 U.S.C. § 103(a)

Claims 4 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kato in view of U.S. Pat. No. 6,993,342 to Kuchibhotla *et al.* ("Kuchibhotla"). Applicant traverses this rejection.

The combination of Kato and Kuchibhotla does not disclose or suggest at least the above-noted claimed features incorporated into claims 4 and 18 by virtue of their dependence from claims 4 and 17. As established above, Kato does not disclose or suggest at least these features. Kuchibhotla does not cure the deficiencies of Kato.

The Examiner relies on Kuchibhotla to allegedly disclose a radio handover as a predetermined event. However, even if Kuchibhotla provides such disclosure, the reference does not provide the disclosure missing in Kato. Therefore, one of ordinary skill in the art at the time the invention was made would not have been motivated to combine the references as attempted by the Examiner since the references, alone or in combination, fail to disclose or suggest all the claimed features.

Accordingly, claims 4 and 18 are patentable over the combination of Kato and Kuchibhotla.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/560,306

Attorney Docket No.: Q91806

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis G. Plati, Sr.", written over a horizontal line.

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